

SENATE BILL 1564
By Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 17, relative to full disclosure of evidence to be offered in criminal proceedings relating to the mental condition of the defendant.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 17, is amended by adding the following new section:

SECTION ____.

(a) Notwithstanding any other rule of court or statute to the contrary, the following procedures shall apply when opinion evidence regarding mental condition is to be introduced in a criminal proceeding by either party: The state and the defendant shall provide the name and address of any witness who may testify concerning an opinion as to the mental condition of the defendant where such opinion testimony is to be presented at any hearing, trial, sentencing hearing, or post conviction proceeding.

(b) Not less than thirty (30) days prior to the beginning of any hearing, trial, sentencing hearing, or post conviction proceeding where a party intends to offer opinion evidence as to the mental condition of the defendant, the party calling the witness shall provide, all notes, records recordings of interviews of witnesses or the defendant, tests and raw data pertaining to such tests, any other memoranda, documents and reports utilized by the witness in formulating an opinion regarding the mental condition of the

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defendant, and if the party calling the witness intends to qualify the witness as an expert a statement of qualifications,.

(c) Upon request by party who is notified that a witness may be called to testify at a hearing, trial, sentencing hearing, or post conviction proceeding about an opinion regarding the mental condition of the defendant, a deposition may be taken of the proposed witness at the request of the party receiving the notice. The deposition shall be taken and filed in the manner provided in civil actions and as otherwise provided in Rule 15 of the Rules of Criminal Procedure.

(d) For good cause, the trial court shall grant a request for a continuance of any hearing, trial, sentencing hearing, or post conviction proceeding when information obtained from such discovery process necessitates further a evaluation, further preparation by counsel, or when justice dictates. Failure to comply with the discovery provisions of this section shall entitle the party requesting the information to a continuance of the trial. Upon a finding that a party has knowingly failed to provide information required by this section after the hearing, trial, sentencing hearing, or post conviction proceeding has convened, the court shall preclude the testimony of the witness, and the trial court may impose other punitive measures within its power.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.